

**RESOLUTION NO. 2018-12**

**A RESOLUTION OF THE BOARD OF  
COMMISSIONERS OF WARRICK COUNTY, INDIANA  
APPROVING GUARANTEED ENERGY SAVINGS CONTRACT FOR  
RENOVATION OF THE HISTORIC OLD COURTHOUSE**

**WHEREAS**, Indiana law (Ind. Code § 36-1-12.5, *et seq.*) provides authority for the Board of Commissioners of Warrick County to enter into agreements for utility efficiency programs that provide for guaranteed energy savings; and

**WHEREAS**, the Board of Commissioners of Warrick County wishes to enter into a guaranteed energy savings contract with Energy Systems Group, Inc., of Newburgh, Indiana ("ESG"), for the renovation and rehabilitation of the Old Courthouse located on the Courthouse Square in Boonville, Indiana, in such a manner as to guaranty certain energy savings that are identifiable and measurable in order to offset the cost of the renovations and rehabilitation for the best interests of Warrick County and its taxpaying citizens; and

**WHEREAS**, in order to enter into a contract with ESG, the Board of Commissioners hereby make the following findings and decisions.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Warrick County, Indiana as follows:

Pursuant to Ind. Code §36-1-12.5-5, the Warrick County Board of Commissioners hereby approve of the final version of the guaranteed energy savings contract entered with Energy Systems Group, Inc., of Newburgh, Indiana; and

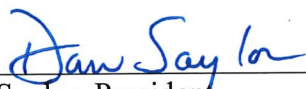
**BE IT FURTHER RESOLVED**, having reviewed the report by ESG, describing the estimated energy savings, the Board of Commissioners hereby finds the amount Warrick County would spend on the conservation measures recommended by ESG, is not likely to exceed the amount to be saved in energy consumption costs and other operating costs over the period of time called for in the Contract; and

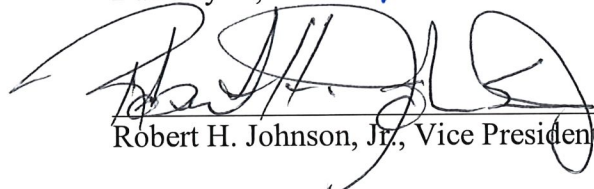
**BE IT FURTHER RESOLVED**, ESG has provided to Warrick County its guarantee of those savings, and if those savings are not realized then ESG will reimburse the County for the difference between the guaranteed savings and the actual savings; and

**BE IT FURTHER RESOLVED**, that since the payments on the Agreement with ESG are subject to the annual appropriation by the Warrick County Council, the indebtedness does not constitute an indebtedness within the meaning of a constitutional or statutory debt limitation under I.C. §36-1-12.5-5(d)(4).

Passed and adopted by the Warrick County Board of Commissioners this 14<sup>th</sup> of May, 2018.

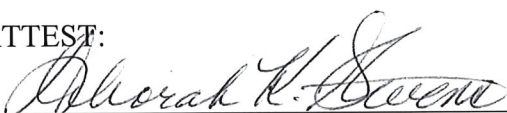
WARRICK COUNTY  
BOARD OF COMMISSIONERS

  
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Dan Saylor, President

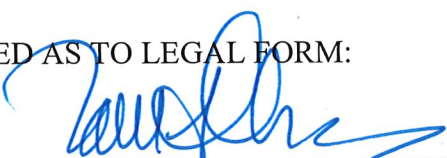
  
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Robert H. Johnson, Jr., Vice President

  
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Marlin Weisheit, Member

ATTEST:

  
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Deborah K. Stevens, Auditor  
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:

  
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